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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,142	08/30/2001	Christopher J. Stone	GIC-653	8653
20028	7590	11/19/2004	EXAMINER	
LAW OFFICE OF BARRY R LIPSITZ 755 MAIN STREET MONROE, CT 06468			ALBERTALLI, BRIAN LOUIS	
		ART UNIT	PAPER NUMBER	
		2655		

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/943,142	STONE, CHRISTOPHER J.	
	Examiner	Art Unit	
	Brian L Albertalli	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,14-16,21-23,26 and 27 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,9-13,17-20,24-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment received on September 9, 2004 has been entered. Claims 7, 8, 14-16, 21-23, and 26-27 have been canceled. Claims 1, 9, 17, and 25 are currently amended.

Response to Arguments

In regard to claims 1-6, the applicant's arguments that Orr does not explicitly disclose the closed caption data processed by a speech synthesizer is *representative of words in a language that is different from the desired language, and the processing step translates said words into said desired language* as set forth in **amended** independent claim 1 have been fully considered and are persuasive. Therefore, the rejections to claims 1-6 under 35 U.S.C. 102(e) have been withdrawn. However, upon further consideration, new grounds of rejection for claims 1-6 are made under 35 U.S.C 103(a) as being unpatentable over Orr, in view of Kirkland (U.S. Patent 5,900,908).

Similarly, the rejections to claims 9-13 and 17-20 under 35 U.S.C. 103(a) as being unpatentable over Orr have been withdrawn. Orr, taken alone, does not disclose the closed caption data processed by a speech synthesizer is *representative of words in a language that is different from the desired language, and the processing step translates said words into said desired language* as set forth in **amended** independent

claims 9 and 17. New grounds of rejection for claims 9-13 and 17-20 are made under 35 U.S.C. 103(a) as being unpatentable over Orr, in view of Kirkland.

Further, the assertion of Official Notice used in the rejection of claims 9 and 17 is supported by Kirkland.

Furthermore, the amendments to claim 25 overcome the rejection under 35 U.S.C 102(b) as being anticipated by Rivers. The rejection to claim 25 is withdrawn. New grounds of rejection for claim 25 are made under 35 U.S.C. 103(a) as being unpatentable over Orr, in view of Kirkland.

The arguments to the combination of Orr and Rivers have been fully considered, but are considered moot, as claim 26 has been cancelled.

Finally, in the previous Office Action, the examiner had taken official notice that it is known in the art to mute one audio source when there are two audio sources associated with video available. Evidence is provided to support the assertion of Official Notice used in the rejection of claims 13 and 20 under 35 U.S.C. 103(a) as requested by Applicant's seasonal traversal of the well know statement.

Arons (*A Review of the Cocktail Party Effect*) discloses that hearing intermixed voices over a single loudspeaker makes understanding either of the voices very difficult (page 2, Early Work section, lines 3-4). Therefore, It would have been obvious to one of ordinary skill in the art at the time of invention to modify Orr by muting the audio when

replacement speech is provided from the speech synthesizer, so that only one voice was output at a time and the speech could be understood.

Specification

The disclosure is objected to because of the following informalities: on page 1, line 13, "focussed" should be –focused--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 9-13, 17-20, and 25 are rejected under 35 U.S.C. 103(a) as being, unpatentable over Orr (U.S. Patent 6,430,357), in view of Kirkland (U.S. Patent 5,900,908).

In regard to claim 1, Orr discloses a method that extracts closed caption data representative of words (closed caption text data, Fig. 1, 106) from a television signal (video data stream 102; column 2, lines 56-63). The extracted words (Fig. 4, closed caption text data 106) are processed by a speech synthesizer (text to speech converter 408; column 5, lines 34-36).

Furthermore, Orr discloses a language translator (402) to translate text from a first language to a desired language, where the desired language is different than the first language (column 5, lines 26-30).

Orr does not explicitly disclose providing the translated text to the speech synthesizer to provide audible speech in a language that is different than the extracted closed captioned data.

Kirkland discloses a system that extracts closed captioning data from a television signal (received integrated signal) and translates the text to a desired language (foreign language), wherein the closed caption data is representative of words that are different from the desired language (English text), which then provides the words as speech in the desired language (foreign language, column 7, lines 39-40 and column 8, lines 47-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Orr to translate the closed captioning text from an original language to a desired language in the language translator 402, then provide that translated text to the text to speech converter 408, as Kirkland does in the same system, so that an audible translation of the dialog of a television signal could automatically be provided to a user, without having to record a separate audio track in each language with a live speaker, which is expensive.

In regard to claim 2, Orr discloses a user interface (Fig. 4, 120) in which a language translator (402) receives extracted text data and performs a translation on it in

one of a plurality of languages (column 5, lines 26-30). The plurality of languages is then converted into voice data by the speech synthesizer (text to speech converter 408, column 5, lines 34-36).

In regard to claim 3, Orr discloses the user interface (120) is displayed on a television screen (video stream playback system 118 is connected to display 132, column 4, lines 35-40).

In regard to claim 4, Orr discloses that the on screen display (graphic user interface) is controlled by a remote control (column 4, lines 28-31).

In regard to claim 5, Orr discloses that audio associated with the video is muted (column 4, line 67 and column 5, line 1).

In regard to claim 6, Orr discloses the interleave stream parser (104) extracts text from the video data stream (converts closed caption data to text) and converts the text data to speech (via text to speech converter 106, column 2, lines 60-63 and column 5, lines column 5, lines 34-36).

In regard to claims 9 and 17, Orr discloses an apparatus and software program that includes a closed caption processor (interleave stream parser 104) to extract closed caption data representative of words (text data 106) from a

television signal (video data stream, column 2, lines 56-63) and a speech synthesizer (text to speech converter 408) to convert the words represented by said closed caption data into speech (column 5, lines 34-36).

Furthermore, Orr discloses a language translator (402) to translate text from a first language to a desired language, where the desired language is different than the first language (column 5, lines 26-30).

Orr does not explicitly disclose providing the translated text to the speech synthesizer to provide audible speech in a language that is different than the extracted closed captioned data.

Kirkland discloses a system that extracts closed captioning data from a television signal (received integrated signal) and translates the text to a desired language (foreign language), wherein the closed caption data is representative of words that are different from the desired language (English text), which then provides the words as speech in the desired language (foreign language, column 7, lines 39-40 and column 8, lines 47-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Orr to translate the closed captioning text from an original language to a desired language in the language translator 402, then provide that translated text to the text to speech converter 408, as Kirkland does in the same system, so that an audible translation of the dialog of a television signal could automatically be provided to a user, without having to record a separate audio track in each language with a live speaker, which is expensive.

In regard to claims 10 and 18, Orr discloses a graphic user interface (120) is used to control the language translator (402, see Fig. 4). In the combination of Orr and Kirkland, in view of the applicant's admitted prior art, as discussed in reference to claims 9 and 17, above, the user interface would necessarily select from one of plurality of languages provided by the multilingual text-to-speech converter.

In regard to claims 11, Orr discloses that the user interface is on a display (132, column 5, lines 14-15).

In regard to claims 12 and 19, Orr discloses that the on screen display (graphic user interface) is controlled by a remote control (column 4, lines 28-31).

In regard to claims 13 and 20, Orr discloses that audio associated with the video is muted (column 4, line 67 and column 5, line 1).

Orr does not disclose that the audio is muted when replacement speech is provided from the speech synthesizer.

Examiner takes Official Notice that it is known in the art to mute one audio source when there are two audio sources associated with video available.

It would be obvious to one of ordinary skill in the art at the time of invention to modify Orr by muting the audio when replacement speech is provided from the speech

synthesizer, so that only one voice was output at a time and the speech could be understood.

Evidence was presented under response to arguments, above, to support the assertion of Official Notice taken in the previous action. It is noted that the reference to Arons (*A Review of the Cocktail Party Effect*) is added merely as evidence of the prior well known statement and therefore does not result in a new issue.

In regard to claim 24, Orr discloses a PC based software program (column 4, line 33), which implies a program read from machine-readable media.

In regard to claim 25 Orr discloses a method for providing text from a television signal in a selected one of a plurality of different languages, said television signal including audio in one of said languages, comprising:

allowing a user to select one of said languages (through selector interface 120);
and

if the selected language is not the language included in said television signal,
converting the language included in said television signal to the selected language for
textual presentation to said user (column 5, lines 26-30);

wherein the language is converted from text provided in a closed caption signal
(text is extracted from a closed caption signal, column 2, lines 60-63).

Orr additionally discloses a text to speech converter to convert closed caption
signal text to speech for audible presentation to the user (column 5, lines 34-36).

Orr does not explicitly disclose providing the translated text to the speech synthesizer to provide audible speech in a language that is different than the extracted closed captioned data.

Kirkland discloses a method that extracts closed captioning data from a television signal (received integrated signal) and translates the text to a desired language (foreign language), wherein the closed caption data is representative of words that are different from the desired language (English text), which then provides the words as speech in the desired language (foreign language, column 7, lines 39-40 and column 8, lines 47-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Orr to translate the closed captioning text from an original language to a desired language in the language translator 402, then provide that translated text to the text to speech converter 408, so that an audible translation of the dialog of a television signal could automatically be provided to a user, without having to record a separate audio track in each language with a live speaker, which is expensive.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson et al. (U.S. Patent 4,627,101) discloses a mute circuit to mute a secondary audio program included in a television signal. Takai (Japanese Patent 2000-92460) discloses a system that extracts closed captioning data from a

television signal, translates the closed captioning signal to Japanese, then converts the Japanese text to a synthesized voice.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (703) 305-1817. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 305-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 11/16/04



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